CANCELLED

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SINGLE BENCH

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1622 Of 2005.

PETITIONER :- Murari Dutt Sharma, Son of Shyam Dutt Sharma, aged about 55 years, resident of At and P.O. Tapkara, District Jashpur (Chhattisgarh).

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Tribal Welfare, D.K.S. Bhawan, Raipur (Chhattisgarh),
2. The Commissioner, Department of Tribal Welfare, D.K.S. Bhawn, Raipur (Chhattisgarh),
3. Collector, Jashpur, District Jashpur (Chhattisgarh),
4. Principal, Government Higher Secondary School, Kunkuri, District Jashpur (Chhattisgarh).

P.R. No. 1341/05
Presented by Shri Pandey Adv.
dated 29/3/05

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29/3/05

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1622/ **सन्** 2005

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28-4-2005 Mr. H.B. Agrawal, Senior Advocate with Miss Sangeeta Mishra, Advocate for the petitioner. Mr. Bhaskar Pyasi, Panel Lawyer for the State/respondents. Heard both the counsel. The petitioner has preferred this writ petition under Article 226 of the Constitution of India. The main grievance of the petitioner is that he is not being paid salary for the period from 19-10-2002 to 8-7-2003. Perusal of the record shows that the petitioner was transferred from Jashpur to Dhamtari vide order dated 4-9-2002 (Annexure P-1) and the record further shows that he was relieved from the post on 18-10-2002. Thereafter, the petitioner's transfer was cancelled vide order dated 17-6-2003 and after relieving the petitioner, he remained absent. The petitioner applied for leave for the said period, however, vide Annexure P-6 the petitioner was informed that he has applied for 263 days leave, whereas, only 203 days EL and 134 half pay leave were on his credit, therefore, he was directed to move two applications for the said leave. Learned Senior Counsel for the petitioner submits that the petitioner was discharging his duty.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.1622/ **सन्** **200** 5

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Whereas, the record shows that as per the respondents they have already relieved the petitioner on 18-10-2002. In view of the disputed facts that whether the petitioner was relieved or not from that place, and also the petitioner was claiming that he was working at Kunkuri, the same cannot be decided in this writ petition. Since, this writ petition involves disputed facts, the petitioner can move civil Court, if he so wants. The writ petition is accordingly, dismissed in limine. **Sd/-** **L.C. Bhadoo** **Judge**	

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